

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA)	
)	
v.)	Criminal Action No. 19-cr-10335
)	
TANMAYA KABRA)	
)	
Defendant)	

**TANMAYA KABRA’S EMERGENCY MOTION SEEKING AN ORDER
REQUIRING THE BUREAU OF PRISONS TO ARRANGE A CALL
BETWEEN MR. KABRA AND HIS ATTORNEYS**

Defendant Tanmaya Kabra, by and through his undersigned attorneys, respectfully moves this Court on an emergency basis to order the Bureau of Prisons to promptly arrange a phone call between Mr. Kabra and his undersigned attorneys, as Mr. Kabra has been denied the opportunity to confer with his counsel for at least the past ten days.

Mr. Kabra is currently serving a serving a 21-month sentence at USP Canaan. Mr. Kabra was scheduled to be released to home confinement on March 1, 2022, as the result of Mr. Kabra’s successful completion of numerous self-improvement courses and other acts of good behavior during his incarceration.

For reasons that are unclear to the undersigned counsel, on or about February 22, 2022, Mr. Kabra was placed in the Special Housing Unit (“SHU”) of USP Canaan based on an alleged conduct violation. The specifics of the alleged conduct violation are unknown to the undersigned counsel. Before Mr. Kabra was placed in SHU, he had regular, often daily, telephone and email contact with the undersigned counsel as well as his fiancé and family members.

Upon information and belief, since Mr. Kabra was placed in SHU he has been denied access to telephone and email communications with his counsel, as well as with his fiancé and family members - all of whom are on Mr. Kabra's approved call list.

Mr. Kabra's undersigned attorneys have been unable to reach by telephone either Mr. Kabra or a live person at USP Canaan in order to ascertain the circumstances that led to his placement in SHU. Mr. Kabra has sent one piece of written correspondence to undersigned counsel. However, given the fact that Mr. Kabra was scheduled to be released on or about March 1, 2022, undersigned counsel has a need to have more immediate telephonic communication with Mr. Kabra.

Mr. Kabra has the right to have telephonic communication with his attorneys. *See Bellamy v. McMickens*, 692 F.Supp. 205, 214 (S.D.N.Y.,1988) (prisoners have a right to access counsel from prison).

Upon information and belief, Mr. Kabra has made funds available to USP Canaan in order to cover the cost of telephone communications with counsel.

Undersigned counsel has spoken to Assistant U.S. Attorney Christopher Looney, who advised that the government does not assent to the relief requested.

WHEREFORE, Mr. Kabra respectfully requests the Court issue an order to the Bureau of Prisons requiring it: (i) to arrange a phone call between Mr. Kabra and his undersigned attorneys at the earliest opportunity; (ii) to provide for regular opportunities for counsel to communicate with Mr. Kabra throughout the duration of his incarceration, so long as Mr. Kabra pays the ordinary costs associated with telephone use; and (iii) to grant such other relief as the Court may deem just and proper.

Respectfully submitted,

TANMAYA KABRA

By his attorneys,

/s/ Michael J. Connolly

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Dated: March 4, 2022

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document filed through the ECF system will be sent electronically by the ECF system to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on March 4, 2022.

/s/ Michael J. Connolly

Michael J. Connolly